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Reply to Office action of Dec. 1, 2005

REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-8, 11-26, 30-39, and 41-45 were pending in the application. No amendments are made in this Amendment with the listing of claims provided for the convenience of the Examiner.

Applicant respectfully requests that the Examiner read Applicant's specification from paragraphs [1027] – [1039] and paragraph [1043] for a brief overview of the Applicant's invention, which may be helpful in understanding the unique claimed features of the invention relative to the cited references.

Rejections of Claims 19-21, 26, and 30-34 Under 35 U.S.C. §103

In the August 19, 2005 Office Action, independent claims 19 and 26 (and claims 20, 21, and 30-34 which depend from claims 19 and 26) were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Pat. No. 6,449,647 ("Colby") in view of U.S. Pat. No. 6,865,608 ("Hunter"). This rejection was overcome by Applicant's amendments of the claims to call for sending a data request to a particular server based on evaluating a data packet within wireless data traffic at a wireless gateway to determine language information and/or browser type information. The Examiner performed additional searching and has with this final Office Action rejected claims 19-21, 26, and 30-34 under 35 U.S.C. §103 as being unpatentable over Colby, Hunter, and U.S. Pat. No. 6,523,068 ("Beser") in view of U.S. Pat. No. 5,428,772 ("Merz") and U.S. Pat. App. Publ. No. 2003/0069848 ("Larson"). This rejection is traversed based on the following remarks.

In the language of claim 19, a method of processing wireless data traffic is specified that requires "evaluating a data packet within the wireless data traffic at the wireless gateway to determine at least one of language information and user browser type information." The method also calls for sending a data request to a particular computer server that is selected or determined "based on at least one of the language information and the user browser type information" that was determined at the wireless gateway. The Office Action states that Colby fails to teach the use of language information or browser type information in a data

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packet in wireless traffic to select a computer server for sending or routing a data request.

In an attempt to overcome the language information deficiency of Colby (and presumably of Hunter and Beser which are not cited for this feature), Merz is cited in the Office Action for teaching the determination of language information and routing requests in a client-server interaction based on language. The citation specifically directs Applicant to col. 5, line 65 to col. 6, line 15, Figure 18, and col. 3, lines 5-15. However, Applicant could find no teaching of evaluating a data packet to determine language information and based on such determined information sending a data request to a particular computer server. Merz teaches, in Figures 1 and 18 and at locations such as col. 13, line 36 to col. 15, lines 16, that a "shared application" is made available on a single computer system that can be accessed by a number of users to enable "multi-lingual interaction" for the private application program(s). There is no discussion of a plurality of servers or that a selection of how to route traffic is performed based on a determination that a data packet contains particular language information.

The cited col. 3, lines 5-15 of Merz states the object of supporting user interaction in any of multiple natural languages in "a data processing system" but does not teach the limitations of claim 19. The cited col. 5, line 65 to col. 6, line 15 indicate that Figure 1 is a structure of the data processing system which only contains a single "central computer 40" and provides no showing of a wireless gateway and a particular computer server (i.e., all user requests are received and processed by the central computer 40). Figure 18 also provides no teaching relevant to the language of claim 19.

Further, claim 19 calls for the evaluating of the data packet to be performed at a wireless gateway, and Merz fails to show a wireless gateway (or any similar device) that processes data packets from its users and that sending of data requests is performed based on this processing. For these reasons, Merz fails to overcome the admitted deficiencies in Colby, Hunter, Beser, and

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hence, Applicant requests that the rejection of claim 19 and claims 20 and 21, which depend from claim 19, be withdrawn.

The Office Action cites Larson to try to overcome the deficiencies of Colby, Hunter, Beser, and Merz at paragraphs 1-13, 20-22, and 109-128, which the Examiner asserts teaches that browser type information is used to determine a type of access in a wireless network environment. Claim 19 calls for an evaluation to be performed at a wireless gateway to determine browser type information from a data packet in wireless traffic. Then, the method of 19 calls for sending a data request to a particular computer server based on this evaluation. Larson does not teach either of these steps. First, Larson fails to show evaluating a data packet in a wireless gateway to determine browser type information. In contrast, Larson describes in paragraph 110 the more typical wireless routing technique of a submitted message filled in via a login form at a wireless device being routed through the wireless network to an "application server 30."

Second, there is no discussion of any device upstream of the application server acting to determine browser type information from this submitted message and selecting a particular computer server based on such a determination. In paragraph 0117, Larson states that the application server receives the Internet message and then evaluates the message to determine the "context of the message" but even at this point in the network (which is not a wireless gateway) there is no determination of browser type information or use of such information to determine where to send a data request. Hence, Larson fails to overcome the deficiencies of the other 4 cited references, and claim 19 and claims 20 and 21, which depend from claim 19, are believed allowable over this combination of 5 references.

Similarly, claim 26 is directed to a data switching system in which a data packet parsing engine retrieves and evaluates content within a wireless data packet and then a data packet redirection routine in the parsing engine formulates data packet communication for the wireless data packet to a

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particular computer server that is determined based on the language information and/or browser type information. Colby, Hunter, Beser, Merz, and Larson fail to disclose such an evaluation of a data packet or redirection (or server selection) being performed based on such an evaluation. For this reason, claim 26 and claims 30-34 are not made obvious based on these 5 references.

Rejections of Claims 4-8 and 11 Under 35 U.S.C. §103

In the August 19, 2005 Office Action, independent claim 4 (and claims 5-8 and 11 which depend from claim 4) was rejected under 35 U.S.C. §103 as being unpatentable over Colby in view of Hunter. This rejection was overcome by amendments to claim 4 that called for the method steps to be performed "at a proxy to which the wireless client device directs wireless data protocol traffic via a virtual network address." The final Office Action attempts to address the problems with Colby and Hunter by citing a new reference, i.e., Beser, and rejects claims 4-8 and 11 as obvious in light of Colby, Hunter, and Beser. This rejection is traversed based on the following remarks.

Independent claim 4 calls for using a proxy at a virtual network (e.g., a virtual IP address) to receive messages from wireless devices and then directing this plurality of messages to a select one of a plurality of network element that are accessible by a network information service. Specifically, claim 4 is directed to a method of routing wireless data protocol traffic that includes receiving a wireless data protocol message from a wireless client device. The method further includes selecting a network element amongst plural elements of a network that are accessible by a network information service and then, directing a data message corresponding to the wireless device to the selected network element. The receiving, selecting, and directing steps all being done by a proxy to which the wireless client device directs wireless data protocol traffic via a virtual network address.

The Office Action indicates that Colby and Hunter combined fail to teach such use of a proxy at a virtual network address to receive a wireless data protocol message from a wireless client or to perform the selecting of one of a

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plurality of network elements or to direct a data message corresponding to the received wireless data protocol message to the selected one of the network elements. Beser is cited for teaching virtual-to-physical address mapping at col. 20, line 37 to col. 25, line 50, and the Examiner argues that Colby teaches the use of a proxy to which traffic is transmitted by wireless devices at col. 5, lines 28-67.

Applicant requests clarification of the Colby citation as it is not clear what portion of the system in Figure 1 of Colby is being cited as the "proxy" of claim 4. If it is assumed that the "flow switch 110" is the "proxy" then, Colby fails to meet the limitations of claim 4 because there is no teaching that wireless client devices direct wireless data protocol traffic to the address of the switch 110 (i.e., the client devices accessing the web servers are accessing the switch 110 via router 130 and cannot be said to know or "direct" their message to that switch 110). At col. 5, lines 28-67, Colby fails to describe directing traffic from a device having a virtual network address known to client device to one of a plurality of network elements accessible by a network information service. Hence, for this reason alone, the combination of Colby and Beser fail to teach the particular use of a proxy at a virtual network address as called for in claim 4.

Further, Applicant requests clarification of how the Examiner is applying Beser to overcome the failings of Colby. Beser is cited over 5 columns of its text and Applicant could find no teaching of the use of proxy at a virtual network address known to a plurality of wireless (or other) client devices. If Beser is being cited simply for the teaching of a "virtual network address," then Applicant admits that use of virtual network addresses was known (if Beser is cited for more than this, Applicant requests the Examiner to provide a more specific citation). However, Colby and Beser would then still fail to show or suggest each and every element of claim 4 (even when considered in light of Hunter) because there is no teaching of clients that direct messages to a proxy OR further that such a proxy then performs the selecting and directing steps of claim 4. For these reasons, claim 4 and claims 5-8 and 11, which depend from claim 4, are believed allowable over the combined teaching of Colby, Hunter, and Beser.

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Rejections of Claims 35-37, 39, 41 and 45 Under 35 U.S.C. §103

In the August 19, 2005 Office Action, independent claims 35 and 41 (and claims 36, 37, 39, and 41 which depend from claim 35) was rejected under 35 U.S.C. §103 as being unpatentable over Colby in view of Hunter. This rejection was overcome by amendments to claims 35 and 41. The final Office Action attempts to address the claim amendments by citing new references, i.e., Beser, Merz, and Larson, in combination with Colby and Hunter. This rejection is traversed based on the following remarks.

Independent claims 35 and 45 call for a logic module that is programmed with a set of rules that is defined to include "at least one criteria selected from the group consisting of micro-browser type, service request type, language format of the wireless data content, domain name, cellular positioning of device transmitting the encoded wireless data packet, and characteristics of the device transmitting the encoded wireless data packet." The logic module applies the set of rules to select an IP address for a device to receive a communication of decoded wireless data packet. Colby and Hunter fail to show or suggest application of such a set of rules to select an IP address of a device to receive a wireless message. Instead, Colby, at col. 10, lines 10-55 and elsewhere, teaches selecting an IP server based on whether the content it serves matches requested content of an IP client. There is no teaching of a set of rules being applied to make the decision and certainly not a set of rules as defined in claims 35 and 45. Hunter does not overcome this deficiency (and is not cited for such a purpose). As a result, Colby and Hunter fail to support an obviousness rejection of claims 35 and 45. The Office Action states that it will add art for location and/or device type.

However, in paragraph 29, the Examiner states that claims 35 and 45 are drawn to the same limitations as claim 12, which is not true as claim 12 does not include the logic module of claims 35 and 45 or the use of the particularly defined set of rules with the defined criteria. Merz and Larson are not cited for teaching that the criteria may be "cellular positioning" or "characteristics of the device" and further, as discussed with reference to claim 19, Merz and Larson fail to teach the features they are cited for in the Office Action. Hence, a prima facie case of obviousness

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has not been stated by the Examiner as each and every element of claims 35 and 45 has not been shown by the references of record in the case. Claims 35 and 45 and claims 36, 37, 39, and 41, which depend from claim 35, are believed allowable over the cited 5 references.

Further, the Office Action rejected claim 38, which depends from claim 35, based on only Colby, Hunter, and Beser, but Applicant believes it is likely that the Examiner intended to include claim 38 in the rejection of claims 35-37, 39, and 41. However, claim 38 is believed allowable at least for the reasons for allowing its base claim, i.e., claim 35.

Rejections of Claims 1-3, 12, 14, and 16-18 Under 35 U.S.C. §103

In the August 19, 2005 Office Action, independent claims 1 and 12 (and claims 2, 3, 14, and 16-18 which depend from claims 1 and 12) were rejected under 35 U.S.C. §103 as being unpatentable over Colby in view of Hunter. This rejection was overcome by amendments to claims 1 and 12. The final Office Action attempts to address the claim amendments by citing a new reference, i.e., Beser, in combination with Colby and Hunter. This rejection is traversed based on the following remarks.

Claim 1 was amended previously to clarify that the redirection engine inspects data that is configured in accordance to a wireless data protocol for key strings associated with that protocol and then selects among a set of network elements to redirect the data to a network element that provides a wireless service based on that wireless data protocol. The Office Action indicates that Colby (and presumably Hunter) fail to teach the detecting of key strings in data received per a wireless data protocol and to select one network element from two or more such elements that provide differing wireless services. Beser fails to overcome the deficiencies of Colby and Hunter, and as a result, claim 1 and claims 2 and 3, which depend from claim 1, are believed allowable over these two references.

Beser is cited at col. 1, line 1 to col. 3, line 40, col. 5, lines 25-40, col. 9, lines 10-20, and col. 13, line 55 to col. 15, line 45 for providing the features of

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claim 1 that are missing in Colby and Hunter. However, Applicant could find no teaching in col. 13, line 55 to col. 15, line 45 fro "wherein data key strings are used to provide different wireless services" as indicated in paragraph 16 of the Office Action. More significantly, with reference to claim 1, Beser does not appear to provide any instruction that a redirection engine acts to inspect received data "to detect one or more key strings in the data corresponding to the wireless data protocol" and then to "direct corresponding data in accordance with the wireless data protocol to a particular one of the plurality of computer network elements." The citation covers quite a bit of Beser but Applicant could not find a feature in Beser that detects key strings in data and directs data to a particular computer element that provides a particular wireless service based on differing wireless data protocol (e.g., most of the cited portion of Beser appears to be directed to the use of first and second IP addresses and routing of messages in an IP network which does not teach the apparatus of claim 1). For these reasons, claim 1 and claims 2 and 3 are believed allowable over Colby, Hunter, and Beser.

Independent claim 12 is amended to include limitations similar to that of claim 1, and the reasons provided for allowing claim 1 over Colby, Hunter, and Beser are believed equally applicable to claim 12. Claims 14 and 16-18 depend from claim 12 and are believed allowable for as depending on an allowable base claim.

Rejections of Claims 13 and 22-25 under U.S.C. §103

Further, in the Office Action, claims 13 and 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colby and Hunter as applied to claims 12 and 19 further in view of U.S. Pat. No. 6,304,898 ("Shiigi"). Claims 13 and 22-25 depend from claims 12 and 19 and are believed allowable over Colby and Hunter for the reasons provided above for allowing claims 12 and 19. Shiigi fails to overcome the deficiencies of Colby and Hunter discussed with reference to claims 12 and 19, and hence, the combination of Colby, Hunter, and Shiigi fails to support an obviousness rejection of claims 13 and 22-25. Further, the Office Action required Beser to reject base claims 12 and 19, and hence, the

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rejection of claims 13 and 22-25 based only on Colby and Hunter without Beser likely fails to state a proper prima facie case of obviousness.

Rejections of Claim 15 Under 35 U.S.C. §103

In the Office Action, claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Colby and Hunter as applied to claims 12 and 14 further in view of U.S. Pat. No. 6,775,291 ("Ryu"). Claim 15 depends from claim 12 and is believed allowable over Colby and Hunter for the reasons provided above for allowing claim 12. Ryu fails to overcome the deficiencies of Colby and Hunter discussed with reference to claim 12, and hence, the combination of Colby, Hunter, and Ryu fails to support an obviousness rejection of claim 15. Again, it is likely that Beser should be included in rejecting claim 15, but Beser also fails to overcome the deficiencies in Colby and Hunter as discussed with reference to claim 12 above.

Rejections of Claim 42 Under 35 U.S.C. §103

Yet further, in the Office Action, claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Colby and Hunter as applied to claims 35 and 41 further in view of U.S. Pat. No. 6,732,175 ("Abjanic"). Claim 42 depends from claim 35 and is believed allowable over Colby and Hunter for the reasons provided above for allowing claim 35. Additionally, Abjanic fails to overcome the deficiencies of Colby and Hunter discussed with reference to claim 35, and hence, the combination of Colby, Hunter, and Abjanic fails to support an obviousness rejection of claim 42. Also, the Office Action did not state it was applying Merz and Larson as it did for claim 35, but as discussed with reference to claim 35, Merz and Larson fail to overcome the deficiencies of Colby and Hunter as applied to claim 35.

Rejections of Claims 43 and 44 Under 35 U.S.C. §103

Also, in the Office Action, claims 43 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colby and Hunter as applied to claim 35 further in view of U.S. Pat. No. 6,836,845 ("Lennie"). Claims 43 and 44 depend from claim 35 and are believed allowable over Colby and Hunter for the reasons provided above for allowing claim 35. Further, Lennie fails to overcome the

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deficiencies of Colby and Hunter discussed with reference to claim 35, and hence, the combination of Colby, Hunter, and Lennie fails to support an obviousness rejection of claims 43 and 44. Once again, it is likely that Merz and Larson also have to be applied to claim 35 to reject claims 43 and 44, but Applicant believes these 2 references do not provide the necessary teaching to Colby and Hunter to reject claim 35 (as discussed with reference to claim 35).

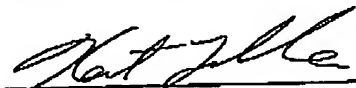
Conclusions

In view of all of the above, the claims are now believed to be allowable, and Applicant requests that a timely Notice of Allowance be issued in this case.

No fee is believed due with this response. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

1/26/06



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